

441—93.140(239B) Right of appeal. Each applicant and recipient is entitled to appeal and be granted a hearing over disputes regarding services being received or services which have been requested and denied, reduced, canceled, or inadequately provided, and acts of discrimination on the basis of race, sex, national origin, religion, age or handicapping condition according to 441—Chapter 7.

93.140(1) *Right to appeal alleged violation of PROMISE JOBS program policy.* Participants shall have the right to file a written appeal concerning any alleged violation of PROMISE JOBS program policy as set forth in these administrative rules which is imposed as a condition of participation. The responsible agency shall provide the participant with written documentation which specifies the participation requirement in dispute.

93.140(2) *Appeal rights under the limited benefit plan.* A participant only has the right to appeal the establishment of the limited benefit plan once at the time the department issues the timely and adequate notice that establishes the limited benefit plan.

However, when the reason for the appeal is based on incorrect grant computation, an error in determining the eligible group, or another worker error, a hearing shall be granted when the appeal otherwise meets the criteria for hearing.

93.140(3) *Right to request a hearing.* A participant who is enrolled in the PROMISE JOBS program may request a hearing if dissatisfied with working conditions, the availability of workers' compensation coverage or the wage rate used in determining hours of community work experience program participation. When any involved party is dissatisfied with the decision on the appeal, the dissatisfied party shall be informed of the right and, if so desired, assisted with appealing the issue to the Secretary of Labor, at Office of Administrative Law Judges, U.S. Department of Labor, Vanguard Building, Room 600, 111 20th Street N.W., Washington, DC 20036, within 20 days of receipt of the department's final decision. For the purposes of this rule, the department's final decision shall be considered received the second day after the date that the written decision was mailed, unless the intended recipient can demonstrate that it was not received on the second day after the mailing date. When the second day falls on a Sunday or legal holiday, the time shall be extended to the next mail delivery day. The option to appeal to the Secretary of Labor does not preclude an individual from exercising any right to judicial review provided in Iowa Code chapter 17A or as described in 441—Chapter 7.

93.140(4) *Right to appeal the content of the family investment agreement.* A participant shall have the right to appeal the content of the FIA when the informal resolution process described at 93.138(1) does not resolve a disagreement between the participant and the PROMISE JOBS worker and the participant wishes to continue in the FIA process.